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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,651	05/10/2002	Yves Hervet	28944/37583	4663
4743	7590	03/22/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,651

Applicant(s)

HERVET ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,19 and 21 is/are rejected.
- 7) ☒ Claim(s) 3,8-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 21 are pending in the application.

Response to Amendment

2. Applicant's amendments to the claims submitted on 12/27/2005 overcomes the 35 USC 101 and 112 rejections in the previous office action (09/21/2005). Therefore, the 35 USC 101 and 112 rejections are withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4-7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vazirgiannis et al ("I-Mu.S.E. - Interactive Multimedia Scenario Editor") in view of Bloem et al (WO 99/04349).**

5. As to claim 1, Vazirgiannis teaches a system for developing interactive applications (IMAP, sections 1, 2) distributed on a digital transmission channel, these interactive applications installed at a point of the digital transmission network (interactive TV, digital movies, section 1) consisting of a succession of scenes (MAP scenario) incorporating at least images in point mode, video images, sound sequences and information in text file form (digital movies) represented at the level of at least one display monitor (fig. 2), the interactive nature of said interactive applications being produced by way of a specific functionalization (event specification, scenario specification) of a control interface for a control module (media objects) of said display monitor furnished with an operating system, said display monitor (figs. 2-7), control module (inherent to Vazirgiannis) and said operating system (inherent to / obvious to

the system of Vazirgiannis) constituting an execution platform, said system for developing interactive applications comprising:

at least one electronic editor (authoring environment, section 3) and

means generating virtual objects (media objects, scenario tuples), specific to a considered interactive application, each of the plurality of virtual object of said virtual objects consisting of components chosen from among at least images in point mode, video images, sound sequences and information in the form of text files to be edited, displayed and represented by said electronic editor (authoring environment) so as to form at least one constituent scene of said considered interactive application;

control means for correlating (IMAP script) a plurality of event/action pairs (event due to action, section 2.2), an event being defined as a breakage of state equilibrium of said operating system and an action being defined as an initialization and a modification of at least one display and representation parameters for a scene of said considered interactive application (state change event, section 4.1); and

means for storing (storage, fig. 8) the set of event/action pairs, correlated and constituting said interactive application.

Vazirgiannis does not teach allowing the simulation, on the one hand, of the display screen of said display monitor, and, on the other hand of the control interface for a control module associated with this display monitor.

6. Bloem teaches a system for developing interactive applications which allows simulation of a display screen of a display monitor and of a control interface for a control module associated with this display monitor (graphical components in target system, page 5, lines 15-25, fig. 2). Therefore, it would have been obvious to include the simulation, on the one hand, of the display screen of said display monitor, and, on the other hand, of the control interface for a control module associated with this display monitor, into Vazirgiannis. One of ordinary skill in the art would have been motivated to combine the teachings of Vazirgiannis and Bloem because this allows for constructing an interactive application in an effective and efficient manner by providing a well-defined environment that provides a true likeness of the eventual imagery on the display of the product (p. 1, lines 15 – 17 of Bloem).

7. As to claim 2, Vazirgiannis teaches event action correlations, including correlating a plurality of event/action pairs comprises means for generating a series of instructions exhibiting a checking structure of a list of requests type for "EVENT" IF condition on any given Boolean variable of a set of Boolean variables being true THEN "ACTION" where "EVENT" designates a variable representative of an event and "ACTION" designates a variable representative of an action conditioned on the set of Boolean variables, said variable "EVENT" being true constituting for each event action pair a breakage of state equilibrium of said operating system and said action constituting an initialization or a modification of at least one of the display and representation parameters for at least one scene of said considered interactive application (events, actions, and their specifications, sections 2.2, 2.3, 3.2, 3.3).

8. As to claim 4, Vazirgiannis as modified teaches display monitor, said control module and said operating system being those of a television receiver, said electronic editor allows the simulation of the display screen of said television receiver and of the control interface for a universal remote control module associated with said television receiver, with a specific key of said simulated universal remote control module there being associated an event, causing the breakage of state equilibrium of said operating system (target systems including TV, page 5, lines 15-25, fig. 2 of Bloem).

9. As to claim 5, Vazirgiannis as modified teaches said display monitor, said control monitor and said operating system being those of one of a workstation and of a microcomputer (host PC, fig. 2, page 5, lines 15-25 of Bloem), said electronic editor allows the simulation of the display screen of this microcomputer and of the control interface for a peripheral input apparatus of said microcomputer, like its keyboard, with a specific key of said peripheral input apparatus there being associated an event causing the breakage of state equilibrium (state change event, section 4.1 of Vazirgiannis) of said operating system.

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10. As to claim 6, Vazirgiannis as modified teaches the set of event/action pairs is correlated according to a logic one-to-one mapping between event and action (Vazirgiannis, scenario model, section 2.3), according to a native interactive application (Bloem, target system), independently of the access format imposed by the system or platform for access to said considered interactive application (configurable, page 3, lines 21-24 of Bloem).

11. As to claim 7, Vazirgiannis as modified teaches said electronic editor, said means generating visual objects specific to said considered interactive application and said control means for correlating a plurality of event/action pairs comprise a driver software module making it possible on the basis of a window for displaying a representation of said control module and of peripheral apparatuses, to receive a corresponding variable "EVENT" and on the basis of a window for displaying scenes of said considered interactive application, to cause one of their initialization and their modification (Vazirgiannis, events, actions, and their specifications, sections 2.2, 2.3, 3.2, 3.3) (Bloem, configurable components, page 3, lines 21-24).

12. As to claim 19, Vazirgiannis as modified teaches the set of data structures and macroinstructions constituting a native interactive application (components and interface implementations on host platform), a module for translating (authoring system) said native interactive application into an interactive application dedicated to a determined-type access terminal (components and interface implementations on the target platform, fig. 2).

13. As to claim 21, Vazirgiannis as modified teaches a system for developing an interactive application (IMAP, sections 1, 2 of Vazirgiannis) distributed on a digital transmission channel (interactive TV, digital movies, section 1 of Vazirgiannis) comprising:

a computing apparatus including a display unit (figs. 2-7 of Vazirgiannis), an input device, and a processing apparatus operatively coupled to the display unit and the input device (state change event, section 4.1 of Vazirgiannis), wherein the processing

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apparatus provides an operating system (inherent to / obvious to the system of Vazirgiannis) that runs at least one electronic editor (authoring environment, section 3 of Vazirgiannis) that simulates a display screen of a monitor of an execution platform (graphical components in target system, page 5, lines 15-25, fig. 2 of Bloem) and a control interface (media objects of Vazirgiannis) associated with a control module (inherent to Vazirgiannis) of the execution platform;

means for generating a set of virtual objects (media objects, scenario tuples of Vazirgiannis) associated with the interactive application, the virtual object of the set of virtual objects comprising one of an image in point mode, a video image, a sound sequence and a text file, wherein the set of virtual objects are displayed and represented on the display unit by said electronic editor to form at least one constituent scene of the interactive application (authoring environment of Vazirgiannis);

a control means for correlating (IMAP script of Vazirgiannis) a plurality of event-action pairs (event due to action, section 2.2 of Vazirgiannis), the event being a breakage of state equilibrium of the operating system and an action being one of an initialization and a modification of at least one display and representation parameter for a scene of the interactive application (state change event, section 4.1 of Vazirgiannis); and

a means for storing the correlated event-action pairs (storage, fig. 8 of Vazirgiannis), wherein said set of event/action pairs are achieved by logic one to one mapping between an event and an action (Vazirgiannis, scenario model, section 2.3) independently of an access format imposed by said execution platform (configurable, page 3, lines 21-24 of Bloem).

Allowable Subject Matter

14. Claims 3, 8-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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15. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

In response to the Non-Final Office Action dated 09/21/2005, applicant argues:

(1) Bloem is not related to interactive applications as recited by the pending claims and Bloem fails to teach a cross-platform aspect with an interactive application development system [p. 12, lines 2-6]; and

(2) Vazirgiannis fails to disclose any motivation or suggestion to modify its teaching or combine its teaching with those of Bloem to produce the claimed invention [p. 12, lines 7-22].

As to argument (1), examiner respectfully disagrees and notes that Bloem teaches an application with a graphical user interface (p. 5, lines 26-33) for a TV-set (p. 5, lines 15-25). The application with a graphical user interface corresponds to the claimed interactive application because the application with a graphical user interface allows user to interact with the application through the graphical user interface. Bloem teaches a cross-platform (from host of the authoring system that is a PC to a target that is a consumer product, for example, a TV-set; p. 5, lines 16 - 18) development of interactive applications (application designer uses the supplied host components in order to create and test an application....once the designer is satisfied with a design after simulation on the PC, this design is processed automatically to a target software, which will be compiled and linked with the target components; p. 5, lines 21 - 25). Therefore, Vazirgiannis as modified by Bloem teaches all the limitations as claimed.

In response to argument (2), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

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the motivation to combine the two references can be found in p. 1, lines 15 – 17 of Bloem.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONTACT INFORMATION

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2194

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